

On April 3, 2019, Defendants refiled their Motion to Dismiss (Doc. 11). The Motion indicates it is being refiled after the “dismissal of Plaintiff’s Bankruptcy” though the Motion does not contain any further information regarding the status of Plaintiff’s bankruptcy litigation. A search of the docket for the Bankruptcy Court of this district, however, reveals that an Order of Dismissal was entered in Plaintiff’s matter on April 2,

2019. Bankruptcy Petition #: 19-40058, (Doc. 15).

Plaintiff filed his “Notice of Motion and Motion to Take Notice / Notice of Motion and Motion to Enter Evidence into the Record Though [sic] the Judicial Doctrine” on May 13, 2019. Plaintiff’s document is shown on this Court’s docket as being both a response in opposition to Defendants’ Motion to Dismiss (Doc. 12) as well as a separate motion in its own right (Doc. 13).

II. Defendants’ Motion to Dismiss

Pursuant to Local Civil Rule 7.1(c), most motions are to be supported by briefs filed contemporaneously with the motions. However, a brief supporting Defendants’ Motion to Dismiss (Doc. 11) has not been submitted.

III. Plaintiff’s Filing

To the extent Plaintiff’s “Notice of Motion and Motion to Take Notice / Notice of Motion and Motion to Enter Evidence into the Record Though [sic] the Judicial Doctrine” (Doc. 13) is intended to be a motion, it does not conform to this Court’s Local Civil Rules. The document omits the certification required by Local Civil Rule 7.1(b). Likewise, the Motion is not supported by a brief pursuant to Local Civil Rule 7.1(c).

In addition, the relief sought by Plaintiff’s filing, which consists mostly of purported statutory citations, is not clear. Even giving appropriate latitude to the filing due to the fact that Plaintiff is proceeding *pro se*, the Motion violates the requirement of Local Civil Rule 7.1(a) that “unless made during a hearing or trial, all motions . . . must state with particularity the grounds for the motion and the relief or order sought.” LCvR 7.1.

IT IS THEREFORE ORDERED THAT:

1. Defendants are **DIRECTED** to submit a brief in support of their Motion to Dismiss (Doc. 11). Defendants' brief shall be filed within ten (10) days from the entry of this Order and shall conform to this district's local rules.
2. Plaintiff shall have fourteen (14) days from the filing of Defendants' brief within which to file any opposition to Defendants' Motion to Dismiss. Any such filing by Plaintiff shall also conform to this district's local rules. Further, Plaintiff is **ADVISED** that if he does not submit a response in opposition to Defendants' motion within that timeframe, the Court may proceed to decide the Motion to Dismiss without hearing from him; and
3. Plaintiff's "Notice of Motion and Motion to Take Notice / Notice of Motion and Motion to Enter Evidence into the Record Though [sic] the Judicial Doctrine" (Doc. 13) is **DENIED WITHOUT PREJUDICE**;

Signed: June 4, 2019



W. Carleton Metcalf
United States Magistrate Judge

